

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the following amendments and remarks are requested.

Claims 1-3 were pending in this application. By this Amendment, Applicants have cancelled claims 1-3 without prejudice and have added new claims 4-5. Support for new claims 4-5 can be found in the specification and claims as originally filed. New claims 4-5 introduce no new matter, and thus, their entry is respectfully requested.

Claim Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 1-3 under 35 USC §101 as being directed to non-statutory subject matter. Applicants have rewritten the claims as new claims 4 and 5 incorporating the Examiner's suggestion to direct the claims to "an isolated promoter." It is believed this amendment obviates the rejection and its withdrawal is requested.

Claim Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 1-3 under 35 USC §112, second paragraph, as being vague and indefinite. It is believed that the new claims 4 and 5 obviate the rejection and its withdrawal is requested.

Claim Rejection under 35 U.S.C. § 112, first paragraph

The Examiner has also rejected claims 1-3 under 35 USC §112, first paragraph, as not being supported by the description of the invention. It is believed that the new claims 4 and 5 obviate the rejection and its withdrawal is requested.

In view of the above amendments and remarks, it is believed that the claims fully satisfy the requirements of the patent statutes. Reconsideration of the present application and early

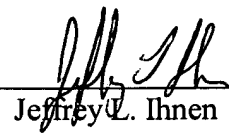
Application No.: 10/089,543
Amendment Dated 21 July 2005
Reply to Office Action of 06 May 2005

Notice of Allowance is requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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